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November 15, 2002

Item 11
Doc 11

Mike McCann
Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd. #A
San Diego, CA 92124-1324

Dear Mike:

Please consider this the FPUD's formal request to continue consideration of Complaint R-9-2002-0308 until the February 2003 Board meeting. These alleged permit violations extend back 19 months and several extenuating circumstances make tolling this consideration reasonable:

- A. First, a major portion of this complaint has just been the subject of oral arguments at the California Court of Appeals in Los Angeles. Until the higher court has opined on the issue of daily limitations for POTW's, it would be duplicative to address this disputed issue at the Regional Board level.
- B. Secondly, a delay until 2003 would allow greater use of legitimate penalties to be applied to environmental projects. The FPUD would desire penalties arising from this complaint, if any, to be applied to the Santa Margarita WARMF model study being conducted by the U.S. Bureau of Reclamation to determine site specific parameters for the Santa Margarita Basin Plan. The scope of work for this study is attached.
- C. Lastly, we are approaching trial in a third-party lawsuit (Divers Against Polluters v. FPUD) about which we previously advised both Board and staff. The extensive demands on District staff time at this point would hamper preparation and response in both actions.

In addition, it would appear that the table on Page 2 of the Executive Director's letter contains an error. Line Item No. 26 alleges a weekly exceedence occurring on one day without a daily violation. Likewise, the District does not believe the summation of penalties should include the first three exceedences on the list and observes that the final three are separated by more than six months from a potential fourth exceedence.

Your attention to this request is appreciated.

Sincerely yours,

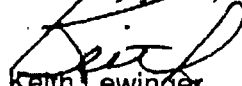

Keith Lewinger
General Manager

Exhibit A

PHASE 3A SCOPE OF WORK

**Santa Margarita Watershed Water Supply
Augmentation, Water Quality Protection,
and Environmental Enhancement Program**
Phase 3A Scope of Work

August 1, 2002

Purpose

The Reclamation April 2001 Framework Monitoring Plan for the Santa Margarita River Watershed recommended the following:

Water Quality Model: Identify potential models that would be appropriate for preliminary and ultimate water quality modeling in the watershed to meet the Santa Margarita River (SMR) Group goals such as total maximum daily load (TMDL) development and assimilative capacity. The proposed model(s) must be able to address water quantity and quality in the surface and groundwater to accurately address the questions posed by the SMR Group in its list of goals. Develop and apply screening level model to identify key water quality areas to assist in developing the final monitoring locations and to support the program justification with the San Diego RWQCB.

Potential future activities recommended in the Framework Monitoring Plan included:

- Support scientific development of TMDL: Apply data from the Comprehensive Monitoring Program to screen and select appropriate water quality model(s) for the development of the rationale and documentation of a TMDL.
- Estimate assimilative capacity of the SMR: Apply data to the watershed model to estimate the assimilative capacity of the river and address the issues associated with the Four-Party Agreement between Rancho California Water District (RCWD), Eastern Municipal Water District (EMWD), Fallbrook Public Utilities District (FPUD), and the United States Department of the Navy, United States Marine Corps, Marine Corps Base, Camp Pendleton (the Base) (Four-Party Agreement).
- Identify relationships between habitat health and water quality: Apply the data to the watershed model to compare current and projected water quality and quantity to habitat needs in the critical reaches of the watershed.

- Identify relationships between water supply rights and water quality: Apply data to the watershed model to illustrate the linkages between local runoff, imported water, and groundwater basins to address water management options as well as to better estimate and calculate supplies for the purpose of perfecting water rights permits outstanding on the watershed

The Purpose of Phase 3A is to develop a preliminary model to address the water quality issues and evaluate the effectiveness of the tool for determining the assimilative capacity of the Santa Margarita River and its ability to resolve long-term issues of effluent discharge to the river. Reclamation has access to a water quality model, Watershed Analysis Risk Management Framework (WARMF), which has been selected by the SMR Group as the optimal tool for the Santa Margarita Watershed. Reclamation's licensing relationship with the WARMF model builders provides some additional opportunities to receive assistance in applying the WARMF tool to the Santa Margarita Watershed. Therefore, this scope includes the development of the WARMF tool solely.

Lastly, given the linkages between the discharge issues of the Four-Party Agreement and the Lagoon TMDL, it is acknowledged that a watershed-wide model is necessary to address the issues.

Scope

Task 3A.1. Develop Preliminary Watershed Model

The objective of Task 3A.1 is to set up the WARMF model based on a clear definition of the modeling objectives, assessment of available data and usability, and possible collection of some limited, but critical additional data. Available data includes that acquired during the Framework Monitoring Plan plus additional data that Reclamation can access. This will likely include some key water quality data, information on watershed characteristics and land use/management, and additional biological information.

Water quantity and water quality data will be combined with database layers for basic landforms/topography, streams and other surface and groundwater features, roads, land use, public lands, known pollutant source areas, etc. The model will initially be developed for both average and low-flow, steady-state conditions based on analysis of historic flows at key USGS and other gauging stations. High flows under dynamic conditions will also be considered and modeled if data indicate that nonpoint source pollution and stormwater are clear modeling objectives as part of Task 3A.1. Model parameters may have to be modified to address these different flow conditions. The initial operating model may be comprised of a receiving water quality model while spatial watershed information is being compiled and a watershed loading model is developed. This can help to provide some initial key information regarding impacts of point source and other discharges to the SMR and the range of sensitivities of the river to hypothetical and known inputs, while the watershed information is being developed for incorporation and use later.

Any positions or decisions that are discussed with the Regional Board and USEPA will have prior approval or concurrence from the Santa Margarita River Executive Management Team (SMREMT). Interim findings and status reports will also be provided at the monthly meetings to SMREMT in Reclamation's office in Temecula.

Task 3A.1 will be conducted by a team comprised of Reclamation and consultant staff working in Denver and with Regional Board and USEPA Staff as logistically appropriate in California. Reclamation staff members in Denver are expected to provide up to 296 hours for this task. Specific Reclamation hours are as follows:

Function	Hours
Monthly Meetings	36
Collect, Input Data and Develop Model	160
Prepare Report	80
Meetings and Presentations	20

Deliverables: The deliverables of Task 3A.1 will include a preliminary operating model of the Santa Margarita River (and if possible the SMR Watershed), and a summary report identifying the source and quality of input data, data limitations/gaps and assumptions to be addressed in future work, construction of the preliminary model with accompanying documents, and a PowerPoint presentation to the Federal and local agencies and SMREMT at a meeting in Temecula. The contractor shall provide 10 hard copies of the Summary Report and 10 copies on CD-ROM (to include the PowerPoint presentation and any write-ups).

Schedule: Estimated schedule is 4 months from task order award.

Task 3A.2. Calibrate Model/Conduct Initial Analyses

The objectives of Task 3A.2 will be to combine the watershed spatial information/model with the receiving water quality model (if not done as part of Task 3A.1), calibrate the constructed model, identify potential operational scenarios, and determine the watershed response by refining and using the model.

Preliminary calibration will be performed based on hydrologic data at several critical flow gauging sites. Calibration based on limited, available water quality data at several key monitoring locations will also be performed to the extent possible to evaluate the model's prediction of water quality in the Santa Margarita River. If available water quality data are not sufficient for calibration, the project team will recommend data collection efforts needed for adequate calibration of the model. It is anticipated that approximately 30 model runs will be performed as part of model development and calibration. The uncertainty associated with calibrated model results for hydrology and

water quality will also be evaluated and quantified to the extent possible. Model validation will also be performed to the extent possible based on a separate hydrologic/water quality dataset.

Reclamation and Consultant staff will calibrate/validate the model, and will meet with the SMREMT, Regional Board and USEPA Staff, as a group to discuss operations scenarios. A summary document will be prepared presenting the calibration and validation results, and identifying the proposed operational runs to be conducted. This report will be presented to the agencies for review and concurrence. Additional work with the base to integrate the estuary and lower river data and/or MODFLOW model into the WARMF system will also be included.

Following a presentation, discussion, and agreement with agencies, the watershed model will be run by the Reclamation/Consultant team for the identified scenarios. These analyses will assess the effects of potential additional effluent from EMWD and RCWD at flow rates specified by the SMREMT and address potential urban and related development in the watershed. The assimilative capacity of important tributaries, the main stem, and lagoon will be modeled and evaluated for critical pollutants, TDS, nitrogen and phosphorus. Predicted concentrations will be compared to applicable water quality criteria and standards, and potential future exceedances and impairment of designated uses will be assessed. The model will also be used to help identify pollutant source areas under different flow and watershed conditions, as well as areas of in-stream pollutant losses, including interactions with groundwater and bio-assimilation.

Preliminary determination of total maximum daily loads to achieve water quality standards will be performed, as well as estimating the loading reduction required for TMDLs. Opportunities for pollutant trading will also be modeled and evaluated.

Additionally, runs will be conducted to test the sensitivity of the watershed and the model to varying inputs and assumptions in the model. This will likely include variations in flows, loadings of key pollutants, and some watershed land use/management characteristics. The identified scenarios may be modified based on results of the sensitivity analysis. It is anticipated that approximately 40 model runs will be performed for evaluation of the selected scenarios and related analysis.

Task 3A.2 will be conducted by a team comprised of Reclamation and consultant staff

Function	Hours
Monthly Meetings	60
Modeling	160
Prepare Report	80
Meetings and Presentations	20

working in Denver. Reclamation staff are expected to provide up to 320 hours for this task. Specific hours are as follows:

Deliverables: The deliverables of Task 3A.2 will be a report and a PowerPoint presentation for the SMREMT at a meeting in Temecula. The report will include information on the modeling methodology and scenarios modeled, sensitivity analysis, data gaps and uncertainty/limitations of modeling results, and recommendations for model refinement that will be expanded upon in detail in Task 3. The contractor shall provide 10 hard copies of the Summary Report and 10 copies on CD-ROM (to include the PowerPoint presentation and any write-ups).

Schedule: Estimated schedule is 7 months from Task 3A.1.

Task 3A.3. Project Refinement

The Objective of Task 3A.3 is to use the information developed in Tasks 3A.1 and 3A.2 to develop a program to refine the available data and model and to apply it to create a win-win solution for effluent discharges and water supply in the Santa Margarita River Watershed. The Reclamation/Consultant team will incorporate comments from Task 2 and discussions with SMREMT to define a series of tasks and products to be addressed in FY 2003 (which actually began on October 1, 2002). These will probably include:

- developing/refining the water quality monitoring program to fill critical data gaps
- refining the model using the new monitoring data
- performing additional model runs using refined scenarios based on agency and watershed group input
- performing other analyses to refine answers to key questions related to model results and other issues, including assimilative capacity, TMDLs, and water quality protection/restoration strategies.

Task 3A.3 will be conducted by a team comprised of Reclamation and consultant staff working in Denver. Reclamation staff are expected to provide up to 82 hours for this task. Specific hours are as follows:

Function	Hours
Monthly Meetings	24
Prepare Report	40
Meetings and Presentations	18

Deliverables: The deliverables of Task 3 will be a Summary Report and a PowerPoint presentation for the SMREMT at a meeting in Temecula. This report will present details of the recommendations for a program to refine the available data and model for future applications. The contractor shall provide 10 hard copies of the Summary Report and 10 copies on CD-ROM (to include the PowerPoint presentation and any write-ups).

Schedule: Estimated schedule is 15 months from task order award.

Completion of this Task Order:

All work to be performed under this order shall be completed upon receipt of the deliverables as described by the tasks above and within the time periods as specified by each task. All hard copy and electronic media submittals will be sent to Reclamation. Completion of all tasks will be on or before November 30, 2003.

Exhibit B

Santa Margarita Watershed Water Supply Augmentation, Water Quality
Protection, and Environmental Enhancement Program

Phase 3A COST ESTIMATE

PHASE 3A COST SHARES

1. SANTA MARGARITA RIVER EXECUTIVE MANAGEMENT TEAM ROSTER

THE UNITED STATES BUREAU OF RECLAMATION

SMREMT Chairperson: William J. Steele

Study Manager: Steven Kasower

THE UNITED STATES DEPARTMENT OF THE NAVY

UNITED STATES MARINE CORPS

MARINE CORPS Base CAMP PENDLETON

SMREMT Representative:

Alternate:

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT

SMREMT Representative:

Alternate:

MURRIETA COUNTY WATER DISTRICT

SMREMT Representative:

Alternate:

EASTERN MUNICIPAL WATER DISTRICT

SMREMT Representative:

Alternate:

RANCHO CALIFORNIA WATER DISTRICT

SMREMT Representative:

Alternate:

FALLBROOK PUBLIC UTILITIES DISTRICT

SMREMT Representative:

Alternate:

SAN DIEGO COUNTY PLANNING DEPARTMENT

SMREMT Representative:

Alternate: